

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Elissa D. Miller (CA Bar No. 120029) emiller@sulmeyerlaw.com Jason D. Balitzer (CA Bar No. 244537) jbalitzer@sulmeyerlaw.com SulmeyerKupetz, A Professional Corporation 333 South Hope Street, 35 th Floor Los Angeles, California 90071 Telephone: 213.626.2311 Facsimile: 213.629.4520 <input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorneys for: Howard M. Ehrenberg, Chapter 7 Trustee	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION	
In re: POLY PLANT PROJECT, Debtor(s).	CASE NO.: 2:14-bk-17109-TD CHAPTER: 7 NOTICE OF SALE OF ESTATE PROPERTY

Sale Date: December 2, 2015	Time: 10:00 a.m.
Location: U.S. Bankruptcy Court, 255 East Temple Street, Los Angeles, California 90012, Courtroom 1345	

Type of Sale: ☒ Public ☐ Private Last date to file objections: November 25, 2015

Description of property to be sold: See Attachment

Terms and conditions of sale: See Attachment

Proposed sale price: See Attachment

Overbid procedure (if any): See Attachment

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

December 2, 2015

10:00 a.m.

U.S. Bankruptcy Court

Courtroom 1345

255 E. Temple Street

Los Angeles, CA 90012

Contact person for potential bidders (include name, address, telephone, fax and/or email address):

Jason D. Balitzer, Esq.

SulmeyerKupetz, A Professional Corporation

333 South Hope Street, Thirty-Fifth Floor

Los Angeles, CA 90071

Telephone: 213.626.2311

Facsimile: 213.629.4520

Date: November 5, 2015

ATTACHMENT TO NOTICE OF SALE OF ESTATE PROPERTY

Description of Property to be Sold:

The Estate's interest in all securities (the "Securities") in 4D-S Pty Ltd., an Australian entity ("4DS") owned by the Debtor. The Trustee understands the Securities to be comprised of the following: (i) 79,485 ordinary shares, (ii) 154,313 preference shares, and (iii) 15,110 options over unissued preference shares in 4DS. According to the Debtor's amended Schedule B, the Debtor owns 79,665 ordinary shares and 140,578 preference shares in 4DS, and schedule B does not contain any reference to options. Regardless of the discrepancy, the Trustee only seeks authority to convey the number of shares and options which were actually acquired by the Debtor, whatever those figures may be.

Proposed Sale Price:

\$310,000.00, cash (the "Purchase Price"), payable within five (5) business days of entry of an order approving the sale.

Terms and Conditions of Sale:

The Securities shall be sold on the terms and conditions stated in the letter agreement (the "Letter Agreement") dated as of October 29, 2015 and entered into between the Trustee and Albion Capital Partners Pty Ltd. (the "Buyer"), a true and correct copy of which is appended as "Exhibit 1" to the Trustee's concurrently filed motion to approve the sale.

The Securities are being sold on an "as is" "where is" basis, with no warranties, recourse, contingencies or representations of any kind aside from the representation and warranty that the Trustee is the legal owner of the assets of the Estate and is empowered with the disposition of those assets.

The Securities are being sold free and clear of existing liens, claims and interests, with said liens, claims and interests to attach to the sales proceeds in the same manner and priority as under applicable law.

Overbid Terms:

Any person or entity desiring to submit an overbid must submit (i) a cashier's check, made payable to "Howard M. Ehrenberg, Chapter 7 Trustee," in the amount of \$15,000.00 (the "Deposit") and (ii) evidence of the financial wherewithal to close the contemplated sale, to counsel for the Trustee (Jason D. Balitzer, Esq., jbalitzer@sulmeyerlaw.com, SulmeyerKupetz, A Professional Corporation, 333 South Hope Street, Thirty-Fifth Floor, Los Angeles, California 90071), no later than 5:00 p.m., Pacific Time, on November 30, 2015, before being qualified to participate as a prospective overbidder at the hearing on the Motion. *The Deposit shall not be refundable to any bidder who, upon successfully offering the highest bid, is thereafter unable or unwilling to complete the purchase of the Securities.*

Subject to Court approval, the Trustee will recommend that the first overbid be in the amount of \$320,000.00, cash. Overbids shall be made in minimal increments of \$5,000.00 thereafter. All due diligence is to be completed prior to the hearing as the Sale is on an "as-is" "where is" basis with no warranties, representations, recourse or contingencies of any kind. Each party, including the Buyer, must pay the full amount of the successful overbid within five (5) business days from the date the order approving the Motion is entered. In the event that the highest bidder cannot make such payment within five (5) days from the date the order approving the Motion is entered, the Trustee shall be authorized to accept the offer made by the second highest overbidder. The Trustee reserves the right to reject any and all overbids that, in his business judgment, are insufficient. To the extent the Court approves the sale to a qualified overbidder who then fails to close due to a breach (other than a material breach by the Trustee), the overbidder's deposit shall be forfeited as damages to the Estate.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
333 South Hope Street, Thirty-Fifth Floor, Los Angeles, CA 90071

A true and correct copy of the foregoing document entitled: **NOTICE OF SALE OF ESTATE PROPERTY** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* November 5, 2015 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Howard M Ehrenberg (TR)
ehrenbergtrustee@sulmeyerlaw.com, ca25@ecfbis.com;C123@ecfbis.com;hehrenberg@ecf.inforuptcy.com

Michael B Lubic on behalf of Creditor Committee Official Committee of Unsecured Creditors of Poly Plant Project
michael.lubic@klgates.com, jonathan.randolph@klgates.com

Queenie K Ng on behalf of U.S. Trustee United States Trustee (LA)
queenie.k.ng@usdoj.gov

Samuel Price on behalf of Defendant Tetsunori Kunimune
sprice@pooleshaffery.com

Manoj D Ramia on behalf of Creditor Committee Official Committee of Unsecured Creditors of Poly Plant Project
manoj.ramia@klgates.com, klgatesbankruptcy@klgates.com

United States Trustee (LA)
ustpreion16.la.ecf@usdoj.gov

John E Walker on behalf of Plaintiff Friem S.p.A.
john.walker@dentons.com,
sam.alberts@dentons.com;scott.koerner@dentons.com;DOCKET.GENERAL.LIT.LOS@dentons.com

Sharon Z. Weiss on behalf of Creditor Bryan Cave LLP
sharon.weiss@bryancave.com, raul.morales@bryancave.com

Mark T Young on behalf of Debtor Poly Plant Project
myoung@donahoeyoung.com

Mark T Young on behalf of Other Professional Mark T. Young
myoung@donahoeyoung.com

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On *(date)* _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) November 5, 2015, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

The Honorable Thomas B. Donovan
U.S. Bankruptcy Court
Roybal Federal Building
Bin outside of Suite 1352
255 E. Temple Street
Los Angeles, CA 90012

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

<u>November 5, 2015</u>	<u>Denise Walker</u>	<u>/s/Denise Walker</u>
<i>Date</i>	<i>Printed Name</i>	<i>Signature</i>